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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,038	06/30/2000	Tetsuro Yoshioka		1110

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,038

Applicant(s)

YOSHIOKA, TETSURO

Examiner

Rob Rhode

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3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 22 October 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

The applicant's amendment of 10/22/2003 amended the specification and the claim 1 as well as added new claims 2 – 9. In addition, the applicant traversed the 35 USC 103 rejection of claim 1. Currently, claims 1 – 9 are pending.

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### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US 6,351,738 B1) in view of Conklin (US 6,332,135 B1) and further in view of McGee (6,393,468 B1).**

Regarding claim 1, the combination of Clark, Conklin and McGee teach a franchise system for organizing and establishing a headquarter for business transactions over a network, comprising: where Clark teaches at least one headquarter network server (see at least Abstract, Col 5, lines 22 – 27 and Figures 3 – 5); a plurality of franchise store servers, each corresponding to a different franchise store and connected with the at least one headquarter network server by a network (see at least Figure 3); and a plurality of member servers, each corresponding to a different member terminal and

connected with the at least one headquarter network server by the network (see at least Figure 3); wherein the at least one headquarter network server includes, a merchandise information memory data that includes information for goods sold by the franchise stores (see at least Col 5, lines 22 – 27 and Figure 3), and an order receiving system that processes orders from the plurality of member terminals through the home pages of each franchise store, and the franchise store ID system matches a franchise store to a person ordering via a member terminal when the person accesses the franchise system (see at least Col 12, lines 25 – 30). Please note that Clark does not specifically call out servers, terminals or memory. However, Clark does disclose and teach regarding electronic commerce systems and it was well known at the time of the applicant's invention that electronic commerce system would have and did contain these IT infrastructure components. In addition and regarding claim 3, Clark teaches a franchise, wherein: the network includes the Internet Col 11, lines 51 – 53).

On the other hand, Clark does not specifically disclose and teach a home page creation system that accesses the merchandise information memory data for merchandise information to create a home page of each franchise store, and that accesses a home page data memory system to collect additional home page data for the home page of each franchise store, the home page creation system also accessing a franchise store identification (ID) system, a home page sending service that sends home page data for the home page of each franchise store to at least one predetermined member server, including information from the merchandise information memory data, and a received

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data transfer system that transfers order data received by the order receiving system from the at least one headquarter network server to one of the franchise servers according to the franchise store ID system, the order data including a buyer name and goods ordered.

However, Conklin does teach a home page creation system that accesses the merchandise information memory data for merchandise information to create a home page of each franchise store, and that accesses a home page data memory system to collect additional home page data for the home page of each franchise store, the home page creation system also accessing a franchise store identification (ID) system (see at least Col 14, lines 9 – 12 and 64 – 67, Col 17, lines 5 – 19), a home page sending service that sends home page data for the home page of each franchise store to at least one predetermined member server, including information from the merchandise information memory data (see at least Col 21, lines 30 – 36 and Col 22, lines 51 – 65), and a received data transfer system that transfers order data received by the order receiving system from the at least one headquarter network server to one of the franchise servers according to the franchise store ID system, the order data including a buyer name and goods ordered (see at least Col 19, lines 26 - 29 and Col 20, lines 62 - 67). Moreover:

regarding claim 6, the franchise system, wherein: the at least one headquarter network server further includes a member entry data base that identifies previously accessing

members and matches said members to a predetermined franchise store according to said member entry data (Col 19, lines 62 – 63).

regarding claims 7, 8 and 9, the recitations that “ wherein: the member entry data base includes member entries comprising a member identification (ID) value, a password, a franchise store code, and a terminal identification (ID) code”, “ wherein: at least a portion of the member ID value includes at least a portion of the store code” and “wherein: at least a portion of the password includes at least a portion of the store” such recitations are given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “identifies” already disclosed by Conklin.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the system of Clark with the system of Conklin to have provided a home page creation system that accesses the merchandise information memory data for merchandise information to create a home page of each franchise store, and that accesses a home page data memory system to collect additional home page data for the home page of each franchise store, the home page creation system also accessing a franchise store identification (ID) system, a home page sending service that sends home page data for the home page of each franchise store to at least one predetermined member server, including information from the merchandise information memory data, and a received data transfer system that transfers order data received by

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the order receiving system from the at least one headquarter network server to one of the franchise servers according to the franchise store ID system, the order data including a buyer name and goods ordered, and an order receiving system that processes orders from the plurality of member terminals through the home pages of each franchise store, and the franchise store ID system matches a franchise store to a person ordering via a member terminal when the person accesses the franchise system – in order for the services such as home page creation and home page sending to be provided to the franchisees. In this manner, the investment required by each franchisee is reduced in not having to purchase the software required for home pages and thereby increase their potential profits. Moreover, it is a strong selling point for the franchiser for attracting and retaining franchisees.

The combination of Clark and Conklin substantially disclose and teach the applicant's invention.

On the other hand, the combination does not specifically disclose and teach franchise store ID system matching franchise stores to the person accessing the franchise system based on uniform resource locator values set up in advance according to predetermined rules.

However, McGee does disclose and teach the franchise store ID system matching franchise stores to the person accessing the franchise system based on uniform

resource locator values set up in advance according to predetermined rules (see at least Abstract and Col 12, lines 32 - 35). In addition and regarding claim 4, McGee teaches the franchise system, wherein: the home page sending service sends predetermined guest home page data when a member server accessing the Franchise System does not match any franchise store (Col 13, lines 3 – 6). Regarding claim 5, the recitation that “wherein: the uniform resource locator values include a first portion unique to each franchise store and a second portion common to all franchise stores and the headquarters” such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “URL values” already disclosed by McGee.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combinations of Clark and Conklin with the system of McGee to have provided the franchise store ID system matching franchise stores to the person accessing the franchise system based on uniform resource locator values set up in advance according to predetermined rules – in order to ensure that these individuals can access sensitive information. In this manner, the person as well as other franchise will be assured of limiting access to this system/intranet to only qualified and validated members. Indeed, the person’s satisfaction will be improved and will also improve the probability that they person will recommend the system to others.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alsop (US 5,970,472).**

The combination of Clark, Conklin and McGee substantially disclose and teach the applicant's invention.

On the other hand, the combination does not specifically disclose and teach the franchise system, wherein: the merchandise information memory data further includes information for goods not available at one of the franchise stores, but available at the headquarter.

On the other hand and regarding claim 2, Alsop teaches a franchise system, wherein: the merchandise information memory data further includes information for goods not available at one of the franchise stores, but available at the headquarter (Col 10, lines 4 – 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Clark, Conklin and McGee with the system of Alsop to have enabled a franchise system, wherein: the merchandise information memory data further includes information for goods not available at one of the franchise stores, but available at the headquarter – in order to be able to provide the customer with the desired product. In this manner, the customer will not leave and shop at another site,

which would result in lost business. Moreover, the customer's satisfaction will be increased due to having the desired product available and not having to continue shopping.

***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

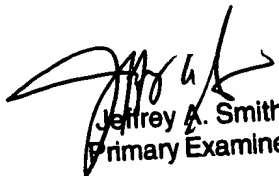
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 703.308.3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER

  
Jeffrey A. Smith  
Primary Examiner